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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,544	10/04/2000	Gordon Margulieux	10002221-1	1131

7590 09/10/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80528-9599

EXAMINER

BARNES, CRYSTAL J

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,544

Applicant(s)

MARGULIEUX, GORDON

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16, 19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3-11, 14 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to Amendment received on 16 June 2004. Claims 1, 3, 4, 6-11, 13, 14 and 18 have been amended. Claims 15, 16, 19 and 20 have been cancelled. Claims 1-14, 17 and 18 remain pending in this application.

Drawings

2. The amendments to the specification to add the reference signs in the description were received on 16 June 2004. These corrections are acceptable.

Specification

3. The corrected drawing and the amendment to the specification to remove the reference sign in the description were received on 16 June 2004. These corrections are acceptable.

Response to Arguments

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claim 1 is objected to because of the following informalities: "a emulator" in 3 of the claim should be "an emulator". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 14 recites the limitation "said at least one power line" in line 2 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 14 recites the limitation "at least one power data line" in line 3 from the bottom of the claim.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1, 2, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,915,106 to Ard.

As per claim 1, the Ard reference discloses a method for emulating an operation of a dynamically reconfigurable computer system, the method comprising the steps of emulating a storage drive with an emulator (see column 5 lines 21-25, "disk drive emulating scanner 6"); providing operational data communication (see column 5 lines 55-57, "Open File or Save File commands") between a host device ("general purpose computer 2") and the emulator ("disk drive emulating scanner 6"); and employing said provided operational data ("Open File or Save File commands") to control an operation (see column 5 lines 31-40, "read a file, store date") of the emulated storage drive (see column 5 lines 55-57, "disk drive emulator 41") at said emulator ("disk drive emulating scanner 6").

As per claim 2, the Ard reference discloses further comprising the step of providing user data communication (see column 5 lines 41-46, "scanner parameters 33 and scanner commands 35") between said host device ("general purpose computer 2") and said emulator ("disk drive emulating scanner 6").

As per claim 12, the Ard reference discloses said step of providing operational data communication ("Open File or Save File commands") comprises the

step of dynamically detecting a connection (see column 8 lines 55-58, "SCSI bus") of said emulator ("disk drive emulating scanner 6") to said host device ("general purpose computer 2").

As per claim 13, the Ard reference discloses said step of providing operational data communication ("Open File or Save File commands") comprises the step of enabling control at least one component (see column 6 lines 31-36, "identification device 30") within said emulated storage drive ("disk drive emulator 41") by said host device ("general purpose computer 2").

Allowable Subject Matter

11. Claims 3-11 and 14, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 3, the prior art of record taken alone or in combination fail to teach establishing a power level for said operation of said emulated storage drive.

As per claim 9, the prior art of record taken alone or in combination fail to teach establishing an address at said host device to which said emulated storage drive is connected.

As per claim 11, the prior art of record taken alone or in combination fail to teach providing a fault detect signal to said host device to indicate a fault condition within said emulated storage drive.

As per claim 14, the prior art of record taken alone or in combination fail to teach said at least one power data line includes a power supply line for dynamically detecting a connection of said emulator to said host device.

As per claim 18, the prior art of record taken alone or in combination fail to teach said code for providing operational data includes code for dynamically, modifying said established power level to emulate one of a connection and a disconnection of a power attachment to said emulated device.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to emulating disk drives in general:

USPN 5,887,145 to Harari et al.

USPN 5,430,855 to Walsh et al.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448 or 571.272.3679 after 14 October 2004. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179 or 571.272.3687 after 14 October 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb
3 September 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600